

First Circuit Opinion Summaries by Findlaw

- [First Circuit Opinion Summaries by Findlaw](#) - with links to full-text opinions arranged by month.

Most Recent Summaries

FINDLAW DAILY OPINION SUMMARIES U.S. 1ST CIRCUIT COURT OF APPEALS

Criminal Law & Procedure

US v. Mercedes-De la Cruz, No. 14-1186

Conviction and sentence for conspiracy to possess with intent to distribute cocaine and possession with intent to distribute cocaine are vacated and remanded where there was ineffective assistance of defense counsel, as the record is sufficiently developed and the facts concerning the apparently unjustified arrest and counsel's failure to move to suppress are sufficiently egregious as to warrant relief.

Criminal Law & Procedure

US v. Godfrey, No. 14-1227

Convictions for mail fraud, wire fraud, and misuse of a government seal, as well as conspiring to commit these crimes, are affirmed over defendants' claims that: 1) the district court violated their confrontation rights by admitting into evidence customer complaints and cease-and-desist letters from regulators; 2) the district court constructively amended the indictment by admitting evidence of their lies to the IRS and then allowing the jury to convict them based on those lies; 3) the district court erred in instructing the jury on the elements of the charged misuse of a government seal; and 4) the district court abused its discretion by not dismissing a juror for bias mid-trial.

Education Law, Insurance Law

Cardigan Mountain School v. New Hampshire Ins. Co., No. 14-2182

In an action for declaratory judgment brought by a private middle school seeking to prove that, nearly fifty years ago, insurance company-defendant issued the school an insurance policy that covers a claim that the school recently received concerning events allegedly occurring during the 1967-1968 academic year, the district court's dismissal of the suit is reversed where the school's complaint provides a plausible basis, beyond a mere possibility, for believing that defendant issued the policy in question.

Criminal Law & Procedure

US v. Encarnacion-Ruiz, No. 12-2030

Conviction for one count of aiding and abetting the production of child pornography is vacated where the US Supreme Court's decision in *Rosemond v. US*, 134 S. Ct. 1240 (2014), requires the government in a prosecution for aiding and abetting a violation of 18 U.S.C. section 2251(a) to prove the aider and abettor's knowledge that the victim was a minor.

Injury & Tort Law, Professional Malpractice

Rosa-Rivera v. Dorado Health, Inc., No. 13-1328

In a medical malpractice suit, alleging negligent conduct took place during the birth of plaintiffs' son, the district court's denial of plaintiffs' motion for a new trial is affirmed over claims that: 1) the trial judge erred in not allowing their attorney to ask a nurse leading questions; 2) the judge's erred in the decision not to include one of their proposed jury instructions; and 3) the jury rendered an inconsistent verdict.

Civil Procedure, Contracts, Indian Law

Luckerman v. Narragansett, No. 14-1106

In a breach of contract suit seeking money damages for services rendered, the district court's denial of tribe-defendant's motion to dismiss on grounds of sovereign immunity and denial of motion to reconsider the denial, under Federal Rule of Civil Procedure 59(e), are affirmed where there is no jurisdiction to entertain such an appeal.

Criminal Law & Procedure, Sentencing, White Collar Crime

US v. Reda, No. 14-1305

In a case involving penny stocks, sentence and conviction for wire and mail fraud in violation of 18 U.S.C. sections 1343 and 1341, are: 1) affirmed as to both of defendant's trial error claims and the sentencing enhancement for violating securities laws; but 2) remanded as to the loss calculation where the government has confessed error.